



# BOLIVIA INFORMATION FORUM

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## Reflections on the TIPNIS conflict (Part Two)

The most recent BIF Bulletin (number 20) traced the causes and development of the TIPNIS dispute, a conflict between indigenous peoples of the Territorio Indígena y Parque Nacional Isiboro Séure and the government, over the course of a planned road through this protected region. The march, supported by the national indigenous lowland confederation (Confederación de Pueblos Indígenas de Bolivia - CIDOB) began from Trinidad, the capital of the Beni, on August 15. On September 25, it was violently dispersed by the police. The following day, President Evo Morales spoke on national television announcing that the road project would be suspended, at least until after a wider debate on the issue could be held. Meanwhile, the march continues towards La Paz.

The failure to work out a solution to the TIPNIS problem revealed a hardening of the positions on both sides of the argument. On one side, the Morales government sought to push ahead with the road project, which would connect Trinidad with Cochabamba, without carrying out a proper consultation with those likely to be affected. The need for consultation was specified in the new constitution, approved only two years ago. On the other side, the marchers and those supporting them were resistant to heed efforts to negotiate. On eight occasions, ministers had sought to reach a settlement as the march progressed. The last of these involved the foreign minister, David Choquehuanca, himself of indigenous background, who was briefly taken hostage by the marchers and used to force a way through police lines.

The conflict has received wide coverage both within Bolivia and internationally, giving rise to criticisms of the government's stance. Rather than repeat these, here we seek to identify a number of deeper issues and concerns that arise.

### Conflictive positions

Underlying the dispute are a series of different conceptions and understandings of what indigenous rights, particularly *vivir bien* (living well), are taken to mean. The rift between indigenous people of the TIPNIS and *campesinos* is serious. It calls into question the future of the Pacto de Unidad (unity pact) which brought together *campesinos* and indigenous peoples from the highlands and lowlands before Morales became president.

Indigenous organisations from both parts of the country, as well as *campesino*/settler organisations, worked together as the Pacto de Unidad in helping to draw up the new constitution. Indeed, the proposal to establish the Constituent Assembly stemmed from a march of lowland/highland indigenous people back in 2002. The new constitution highlights the "plurinational" nature of the Bolivian state (which incorporates 36 indigenous nations) and codifies indigenous rights more generally. Such rights include that of self-government and self-determination, collective landownership, community involvement in the economy, the need for prior consultation on matters affecting them (including where non-renewable natural resources are concerned), and the right to benefit from such activities.

Respect for such rights has been highlighted by Evo Morales in his various speeches in the international arena. The positions adopted by Bolivia in the United Nations discussions on climate change suggested that indigenous peoples in Bolivia were providing an alternative path in a post-modern world. At the same time, however, the Morales government is seeking to pull the majority of Bolivia's population, much of it indigenous, out of poverty and exclusion. It is seeking to do so by redirecting income from

natural resource exploitation to poorer parts of the population.

Since their ground-breaking 1990 march from Trinidad to La Paz, lowland indigenous groups have sought to develop recognition of their land and territory, on which they have hunted and gathered since time immemorial. In 2009 the three indigenous groups that historically have inhabited the TIPNIS gained title to over 1 million hectares there.

For highland *campesinos* and those who have migrated to the tropics in search of an improved livelihood (*colonos*), the jungle appears free for the taking. Beneficiaries of the 1953 agrarian reform, they tend to see their small plots as individual private property. The large landowners of the Beni and Santa Cruz, many of whom received huge tracts as grace and favour payments from the military regimes of the past, also see landholding in terms of private ownership.

This fundamental difference in view over the nature of landholding between the *campesinos/colonos* on the one hand and indigenous peoples on the other was what lay behind the dramatic stand-off in Yucumo. There, with several hundred *colonos* blocking the road, the TIPNIS march was brought to a halt. The *colonos* disagreed fundamentally with some of the marchers' demands. The police were brought in to act as a buffer between both groups and to avoid violence breaking out between them.

As well as calling into question the Pacto de Unidad, the issue has also put huge strain on the government's relations with both the CIDOB and the Consejo Nacional de Ayllus y Markas del Qullasuyo (CONAMAQ) which represents highland indigenous groups.

### **The role of the police**

The role of the police in moving in on September 25 to break up the march raises questions about control over police actions. Who was responsible for this decision?

The Vice-minister of the Interior, Marcos Farfán, immediately denied any involvement in giving the order, as did the minister, Sacha Llorenti. Evo Morales himself has also denied prior knowledge of the intervention. Both Llorenti and Farfán resigned and were swiftly removed from office. Since September 25, it has become clearer that the police force may have taken the decision to disperse the marchers off its own bat. It is possible that they took this course of action

because of the drubbing they had received the day before at the hands of the marchers, armed with spears. It is also possible that it reflects a deeper malaise. Earlier this year the police force lost control over personal identification and driving licences, both important sources of funding and status for police officers. It was certainly the case that Llorenti was in their sights as the author of these changes. Either way, the question of government control over the police (or lack of it) raises serious concerns going forward.

### **The role of the media**

The TIPNIS dispute has also thrown into relief the role of the press in distorting events and using social conflicts to discredit the government. Initial reports claimed that a baby had been killed during the police intervention, along with seven to nine other deaths and many disappearances. It has since become clear that there were no deaths and, of the people who had escaped into the surrounding forest, all have been accounted for. The media coverage of events has played a major role in mobilising disapproval of the government. In some cases, it may have been just shoddy journalism, but there was almost certainly a conscious attempt to whip up hysteria.

A recent article in the weekly La Epoca newspaper by its editor Hugo Moldiz points to this being part of a systematic plan by opposition groups to denigrate Evo Morales and his government's policies, with a view to undermining not only the president, but also the process of change. The media is most effective in reaching both the urban population and the middle-class, and it is amongst the middle class that discontent with the MAS government is most in evidence. Certainly the events of the last few weeks, and coverage of them by the media has helped to induce a sense of loss of balance and proportion.

### **The role of opposition**

As was the case with the December 2010/January 2011 protests against the government's fuel pricing policy (the *gasolinazo*), the TIPNIS conflict has been a boon for the opposition, which has lost much of the leverage it had enjoyed up to 2008. It is slightly ironic to see the fight for indigenous rights receiving backing from those, like elite groups in Santa Cruz, which had bitterly opposed the granting of indigenous autonomies only three years ago.

Opposition political leaders, such as Samuel Doria Medina (Unidad Nacional) and Juan del Granado (MSM), have benefited from the TIPNIS debacle in their attempt to build support in

advance of the 2014 presidential elections. Both are currently seeking to profit from the government's problems by encouraging people to vote null or void in the elections on October 16 to fill senior posts in the judiciary. They want to turn the elections into a plebiscite against the government. The election is planned as a first step to break the control of the judiciary by traditional elites.

The outcome of the TIPNIS dispute has triggered large mobilisations against the government in several of Bolivia's larger cities. Organisations like the Central Obrera Boliviana (COB) and other social movements have come out in opposition to what they see as government policy. At the same time, there have been marches and declarations in support of the road through the TIPNIS, deepening the divides between different social movements. There are also many that have not proclaimed one way or the other. In rural areas in particular, support for Evo remains strong, even in the face of criticism of the government's handling of the TIPNIS dispute.

#### **Prior consultation going forward**

The TIPNIS issue has brought into focus the nature of 'free prior informed consent', as set out internationally by ILO Convention 169. It is probably but the tip of the iceberg for many such disputes in the future, disputes which reflect different views of what 'development' is taken to mean. The Constitution lays down clearly the general principles for processes of prior consultation, making it obligatory for the state to carry out such consultation of indigenous peoples and their organisations where non-renewable natural resources on their lands are to be exploited. It ensures them that they will benefit from such activities. However, in line with international agreements and the Bolivian constitution itself, the recommendations that may arise from the process of consultation are not necessarily binding.

The Hydrocarbons Law of 2005 (and the regulations guiding it) lays down the need for consultation in the case of oil and gas exploitation, and the proposed new mining legislation (currently under discussion) includes prior consultation. Still, the details of how to carry out such consultations have yet to be clarified, and this may even require separate legislation.

Meanwhile, there are natural resources projects that are being proposed that cannot move forward and there have been de facto invasions of cooperative or small private mines by members of nearby communities.

#### **Learning lessons**

As with the '*gasolinazo*' last December, there are some important lessons to be learnt if the process of change is not to be derailed:

- The idea of *vivir bien* needs further discussion. What does it mean, and what kind of development model does it entail?
- Faced with a politically motivated press, how best to maintain a critical approach to the sort of distortions it generates?
- How to ensure wider debate and participation in the political process, even if this means delaying important policy decisions and then living with the consequences of these?
- How protests are dealt with and tactics used by police need to be seriously re-examined and ways found to deal with crowd control without resorting to indiscriminate violence.